

Notice of Allowability

Application No.

10/051,620

Examiner

Gregory J. Strimbu

Applicant(s)

BISCHOF ET AL.

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/27/04 and the tele. int. of 9/3/04.
2. ☒ The allowed claim(s) is/are 2-10 and 21-31.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>9/3/04</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Nils H. Ljungman on September 3, 2004.

The application has been amended as follows:

In the specification:

page 12,

line 9, changed the second occurrence of "2" to --23--

line 25, changed "2" to --23--

page 13,

line 4, changed "runner" to --guide--

line 27, changed "25" to --35--

deleted the text from line 14 of page 21 to line 6 of page 26

In the claims:

claim 2,

line 6, changed "to suspend" to --suspending--

Art Unit: 3634

line 7, changed "said at least one" to --each of said-- and changed "device" to --devices--

line 8, changed "roller being configured and" to --rollers being--

line 10, deleted "further"

line 19, deleted "at"

line 20, deleted "least one" and changed "device" to --devices--

line 23, changed "comprising one" to --being pivotable about an axis which is generally parallel to a longitudinal axis of said first track section and a longitudinal axis of said third track section--

line 24, deleted "of: a pivotable track and a translatable track"

line 32, changed "said at least one" to --each of said-- and changed "device" to --devices--

line 34, inserted --each of-- before the first occurrence of "said" and changed "structure of said at least one suspension device" to --structures--

line 37, deleted "at least one"

line 38, deleted "at least one"

line 41, deleted "at least one" and deleted "to"

deleted line 42

line 43, deleted "said first track . . . second track section"

claim 3,

changed line 3 to --piece having flexible switching points attached thereto.--

Art Unit: 3634

claim 5,

line 2, inserted --mechanical switch comprises an-- following "said", deleted "is"
and inserted --first-- following "a"

line 3, changed "at right angles" to --with respect--

line 4, inserted --structure-- following "rail"

claim 6,

line 2, inserted --first-- following "a"

line 3, changed "at right angles" to --with respect--

line 4, inserted --structure-- following "rail"

claim 7,

line 13, deleted "and"

line 14, deleted "disposed . . . piece"

line 17, inserted --further-- following "arrangement"

line 22, deleted "and disposed transverse to"

line 23, deleted "said second connecting piece"

claim 8,

line 13, deleted "and"

line 14, deleted "disposed transverse to said first connecting piece"

line 17, inserted --further-- following "arrangement"

Art Unit: 3634

line 22, deleted "and disposed transverse to"

line 23, deleted "said second connecting piece"

claim 9,

line 2, changed "on its" to --has a--

line 3, changed "holds" to --holding--

claim 10,

line 2, changed "on its" to --has a--

line 3, changed "holds" to --holding--

claim 21,

line 6, changed "to suspend" to --suspending--

line 7, changed "said at least one" to --each of said-- and changed "device" to --devices--

line 10, changed "roller being configured and" to --rollers being--

line 12, deleted "further"

line 16, deleted "configured and"

line 17, changed "permit" to --suspend-- and deleted "at least one"

line 18, changed "device to" to --devices as said suspension devices--

Art Unit: 3634

line 21, changed "comprising one of: a" to --being pivotable about an axis which is generally parallel to a longitudinal axis of said first track section and a longitudinal axis of said third track section--

line 22, deleted "pivotable track portion and a translatable track portion"

line 23, deleted "configured and"

line 24, changed "permit" to --suspend-- and deleted "at"

line 25, deleted "least one" and changed "device to" to --devices as said suspension devices--

line 29, deleted "to permit . . . device to"

deleted line 30

line 31, deleted "section"

line 32, inserted --each-- before "said"

line 33, deleted "at least one"

line 35, deleted "to permit . . . suspension device"

deleted line 36

line 37, deleted "section"

line 38, deleted "at least one"

line 40, deleted "to permit . . . to travel"

line 41, deleted "between said first track section and said second track section"

claim 22,

changed line 4 to --piece having flexible switching points attached thereto;--

Art Unit: 3634

line 8, changed "at right angles" to --with respect--

line 9, inserted --structure-- following "rail"

line 17, deleted "and"

line 18, deleted "disposed . . . piece"

line 26, deleted "and disposed transverse to"

line 27, deleted "said . . . piece"

claim 23,

line 6, changed "to suspend" to --suspending--

line 7, changed "said at least one" to --each said--

line 8, deleted "configured and"

line 9, changed "each of" to --its corresponding one of--

line 12, deleted "configured and" and deleted "at least one"

line 14, deleted "further"

line 18, deleted "configured and"

line 19, changed "roller to permit" to --rollers to suspend-- and deleted "at"

line 20, deleted "least one" and changed "device to" to --devices as said

suspension devices--

line 23, changed "comprising one of: a pivotable track portion and a" to --being pivotable about an axis which is generally parallel to a longitudinal axis of said first track section and a longitudinal axis of said third track section--

line 24, deleted "translatable track portion"

Art Unit: 3634

line 25, deleted "configured and"

line 26, changed "permit said at least one" to --suspend said--

line 27, changed "device to" to --devices as said suspension devices--

claim 24,

line 4, changed "roller" to --rollers-- and deleted "to move said"

deleted lines 5 and 6

line 7, deleted "third track section"

claim 25,

line 2, changed "roller is" to --rollers are each--

line 3, deleted "at least one"

line 5, deleted "at least one"

line 7, deleted "at least one"

line 8, deleted the last occurrence of "to"

deleted line 9

line 10, deleted "track section and said second track section"

claim 26,

changed line 3 to --piece having flexible switching points attached thereto.--

Art Unit: 3634

claim 28,

line 2, deleted "first"

line 3, changed "at right" to --with respect--

line 4, deleted "angles" and inserted --structure-- following "rail"

claim 29,

line 3,deleted "at right"

changed line 4 to --with respect to said runner rail structure.--

claim 30,

line 10, deleted "and"

line 11, deleted "disposed . . . piece"

line 14, inserted --further-- following "arrangement"

line 19, deleted "and disposed transverse to"

line 20, deleted "said second connecting piece"

Drawings

The following changes to the drawings have been approved by the examiner and agreed upon by applicant:

In figure 2, include the reference character "49" with its attendant lead line indicating the recess of the connecting piece.

In figures 5 and 6, include the reference character "51" with attendant lead lines indicating the pivot points.

In figure 11, change the lead line for reference character "1" to indicate the panel.

In figure 15, delete the lettering "MOVABLE WALL WITH MOVABLE PANELS"

In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance: the prior art of record, absent applicant's own disclosure, fails to teach the entire combination of elements set forth in the claimed invention. Specifically, the prior art of record fails to teach a movable wall system comprising a movable track portion being pivotable about an axis which is generally parallel to a longitudinal axis of said first track section and a longitudinal axis of said third track section. See line 23 of claim 2, line 21 of claim 21 and line 23 of claim 23.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 703-

Art Unit: 3634

305-3979. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Gregory J. Strimbu", with a stylized flourish at the end.

Gregory J. Strimbu
Primary Examiner
Art Unit 3634
September 3, 2004